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Date: August 24, 1998

By: Kay L. Gaviglio

PATENT  
Docket No. GC372

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Timothy Fowler et al. ) Group Art Unit: 1802  
Serial No. 08/876,132 )  
Filed: June 23, 1997 )  
For: Improved *Enterobacteriaceae* ) Examiner: Unassigned  
Fermentation Strains )

### Information Disclosure Statement

BOX DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO-1449 and attached thereto) of which they are aware, that they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a)  accompanies the new patent application submitted herewith. 37 CFR §1.97(a).
- (b)  is filed within three months after the filing date of the application or within three months after the date of entry into the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c)  as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.

(d)  is filed after the first Office Action and more than three months after the application filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by the fee (\$220) set forth in 37 CFR §1.17(p). Authorization to charge Deposit Account No. 07-1048 in the amount of \$220.00 to cover the cost of this Information Disclosure Statement is provided in the Transmittal Letter submitted herewith in triplicate.

(e)  is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$130) set forth in 37 CFR §1.17(l)(1) and a certification as specified in 37 CFR §1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

Each item of information contained in the Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

No item of information contained in this Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

A copy of the items on Form PTO-1449 is supplied herewith:

each  none  only those listed below:

A concise explanation of relevance of the items listed on PTO-1449 is:

not given

given for each listed item

given for only non-English language listed item(s)

in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

The Examiner is reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention." MPEP §609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(b), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,



Debra J. Glaister  
Registration No. 33,888

Date: August 24, 1998

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